

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10741 OF 2004

Ramesh Jiwaji Bagalkote & Anr.....		Petitioners
V/s		
The State of Maharashtra & Ors...		
Respondents		

Office Notes, Office	)	Court's or Judge's Orders
Memoranda of Coram, appearances	)	
Court's orders or directions and	)	
Registrar's orders.	)	

petitioners. Shri A.J. Kenjale, Adv. for the

4. Shri Y.D.Mulani, AGP for the R.Nos.1 to

Shri V.D.Patil for respondent No.5.

PALSHIKAR **CORAM: V.G.**

AND
D.B. BHOSALE, JJ.
13.9.2005.

PC:

By this petition the petitioners have challenged the action of the respondents in asserting his land without due process of law for the purposes of digging a canal to irrigate surrounding area. In effect the contention of the petitioners is that such taking of possession of his land

violates protection provided by Article 300A of the Constitution. Notice why the petition be not admitted was issued and detailed reply has been filed wherein it has been categorically stated that apart from his own association with creation of canal the petitioners shall be compensated being holder of area under canal in accordance with provisions of Land Acquisition Act, 1894. In view of this clear statement on affidavit petitioners' contention that their land is taken without due process of law and is in violation of Article 300A stands nullified.

2. In so far as the claim of compensation of various items is concerned, it is open for the petitioners to demand compensation under every possible head under the Land Acquisition Act proceedings when they will be commenced for the purposes of paying the compensation to the petitioners. In this view of the matter no grievance of the petitioners survives. Hence writ petition is dismissed. The costs deposited earlier in this court be permitted to be withdrawn by the petitioners.

13.9.05